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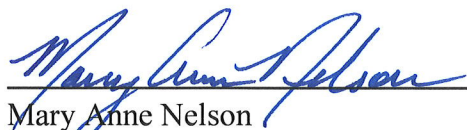
Indirect Discharge Control Mechanism

Agropur, Inc.
dba
Jerome Cheese Company
547 W. Nez Perce Avenue
Jerome, Idaho 83338

Agropur, Inc. (Industrial User) may discharge industrial process wastewater to the City of Jerome (City) in accordance with this control mechanism. In addition, the Industrial User must comply with Title 13 – Water, Sewers and Public Services of the City’s Municipal Code. The Industrial User must comply at all times with the effluent limits, monitoring requirements, and other conditions set forth herein at all times. This control mechanism may be modified at the discretion of the Idaho Department of Environmental Quality (DEQ) to bring it into compliance with federal, state, and local regulations.

During the effective period of this control mechanism, the Industrial User may discharge pollutants to the City subject to the limits in Table 2 and Table 3 and all other conditions of this control mechanism. This control mechanism specifies the controls necessary to protect the City of Jerome and allows discharge of only those pollutants resulting from the Industrial User’s facility processes, wastestreams, and operations clearly identified in the application process.

The Industrial User is authorized to discharge process industrial wastewater to the City at Discharge Point 001. The Industrial User must comply with this control mechanism and all applicable rules, regulations, and ordinances of the City. The Industrial User must maintain its authorization to discharge to the City at all times. Should the City revoke or rescind its authorization, DEQ will terminate this control mechanism.



Mary Anne Nelson
Water Quality Division Administrator
Idaho Department of Environmental Quality

Mike Williams
City Administrator
City of Jerome

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Table 1. Submission Schedule

Permit Section	Submittal Item	Frequency	Initial Submittal Date
3.1	Daily Effluent Reporting	Daily	9/16/2019
3.2	Semiannual Compliance Report	Twice per year (November and May)	11/01/2019
3.2	Accidental Spill Prevention Plan	Once	07/15/2019
3.2	Accidental Spill Prevent Plan Update	As required	--
3.3	24-Hour Noncompliance Notification	As required	--
3.3	5-day Written Submission for Noncompliance	As required	--
3.4	Potential Problems or Slug Loading Notification	As required	--
3.5	Hazardous Waste Discharge Notification	As required	--
3.6	24-Hour Upset Notification	As required	--
3.6	5-day Written Submission for Upset	As required	--
3.7	10-Day Notification of Intent to Bypass	As required	--
3.7	24-Hour Bypass Notification	As required	--
3.7	5-Day Written Submission for Bypass	As required	--

1 Facility Information

1.1 Facility Operations

The Industrial User owns and operates a facility that manufactures cheese and whey and discharges process, non-process, and sanitary wastewater to the City's wastewater treatment plant (WWTP). The Industrial User discharge exceeds 25,000 gallons per day (gpd), and the pretreatment standards for existing sources (PSES) at 40 CFR 405 Subparts F and L do not specify control quantities or concentrations for pollutants discharged to a publicly owned treatment works (POTW). Therefore, the Industrial User is classified as a Significant Industrial User (SIU). See Figure 1 for an overview of the plant.

Raw milk enters the cheese manufacturing process at Area 1. Byproduct from the cheese manufacturing process enters the whey manufacturing process in Area 2. Discharge from these processes consists of 5-day biochemical oxygen demand (BOD₅), total suspended solids (TSS), pH, and total phosphorus.

Process wastewater from the cheese and whey manufacturing processes is discharged into the Industrial User's pretreatment system, entering wet wells and flowing to the pre-screener. A calamity/spill tank is in place prior to the pre-screener. Wastewater is pre-screened before entering the neutralization tank and flows to the dissolved air flotation (DAF) system. Screened solids are sent to a dumpster. Treated wastewater leaves the DAF and enters the City sewer at a dedicated lift station at Discharge Point 001. Sludge from the DAF is sent to a truck for disposal.

See Figure 2 for an overview of the wastewater flow through the plant.

1.2 Discharge Point

During the effective period of this control mechanism, the Industrial User is authorized to discharge the process wastewater described in Section 1.1 continuously into the City's POTW through the discharge point(s) described below in full accordance with all terms and conditions in this control mechanism.

No regulated process wastewater shall be discharged to the City except at the discharge point(s) designated below. Only regulated process wastewater shall be discharged to the designated discharge point. The discharge point designated below shall not be changed without notification to and approval from DEQ and the City.

Discharge Point Number	Description of Discharge Point
001	The point at which treated wastewater enters the City lift station, located approximately 150 feet to the northwest of Building 1 and under Nez Perce Avenue (42.7096°, -114.5261°).

2 Effluent Limits and Monitoring Requirements

All discharges must comply with the effluent limits below. In addition, the discharge must comply with all other applicable laws, regulations, standards, and requirements contained in the City's code and any applicable state and federal pretreatment laws, regulations, standards, and requirements, including any such laws, regulations, standards, or requirements that might become effective during the term of this control mechanism.

2.1 Site-Specific Effluent Limits

During the effective period of this control mechanism, the discharge from Discharge Point 001 must not exceed the site-specific effluent limits identified in Table 2. The limits in Table 2 apply at the point where the wastewater is discharged to the City. All samples must be taken after treatment and before entering the collection system.

The Industrial User is responsible for collecting a split sample from the City Operator for all pollutants sampled by the City at the time of collection with a container supplied by the Industrial User. The City will not provide sample containers for split samples. The Industrial User is responsible for testing the split sample for BOD, TSS, and TP, as well as any other organic limit defined in the permit. Split samples must be tested for COD and converted to BOD at the Industrial User's expense to determine compliance. Split samples demonstrating noncompliance must be reported in accordance with Section 3.4.

Table 2. Site-specific effluent limits

Parameter	Daily Maximum	Units	Sample Frequency	Sample Type
BOD ₅ ^{a,c}	10,000	lb/day	Daily	24-hour composite
Flow ^{b,d}	1.15	mgd	Continuous	Recording
Flow (rate) ^{b,d,e}	1,050	gpm	Continuous	Recording
pH ^{b,f}	6.0-9.0	standard units	Continuous	Recording
Total Phosphorus ^{a,c}	330	lb/day	Daily	24-hour composite
TSS ^{a,c}	3,500	lb/day	Daily	24-hour composite
Fat, Oil, and Grease	100	mg/L	Quarterly	Grab
Chemical Oxygen Demand (COD) ^b	--	lb/day	Daily	24-hour composite

- a. Sampling performed by City in lieu of Industrial User.
- b. Sampling performed by Industrial User.
- c. Split sampling performed by Industrial User.
- d. Flow to be measured and monitored from a flume or other device with a continuous recording flow meter with a chart recorder and totalizer. The devices must be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. The devices selected must be capable of measuring flows with a maximum deviation of less than 10% percent from true discharge rates throughout the range of expected discharge volumes.
- e. Peak flow rate shall not exceed the specified value for more than 15 consecutive minutes.
- f. Recorded as a 15-minute average. Values exceeding this limit may not be deemed a violation during the grace period. The grace period is defined as the first consecutive 15-minute average period during which the pH of the effluent discharge by the industry to the City does not fall within the specified range. If the effluent discharge for the next and subsequent consecutive 15-minute average periods after the grace period does not fall within the specified range, the industry will be in violation.

2.2 Local Effluent Limits

During the effective period of this control mechanism, the discharge from Discharge Point 001 must not exceed the local limits identified in Table 3. The limits in Table 3 apply at the point where the wastewater is discharged to the City. In addition, the effluent must at all times comply with the General Prohibitions (Section 4.1) and Specific Prohibitions (Section 4.2).

Table 3. Local limits for discharge point 001

Parameter^{a,b}	Daily Maximum	Units	Sample Frequency	Sample Type
Arsenic	0.186	mg/L	Quarterly	24-hour composite
Cadmium	0.260	mg/L	Quarterly	24-hour composite
Chromium	3.103	mg/L	Quarterly	24-hour composite
Copper	3.37	mg/L	Quarterly	24-hour composite
Cyanide	0.65	mg/L	Quarterly	Grab
Lead	0.43	mg/L	Quarterly	24-hour composite
Mercury	0.002	mg/L	Quarterly	24-hour composite
Nickel	2.17	mg/L	Quarterly	24-hour composite
Silver	0.24	mg/L	Quarterly	24-hour composite
Zinc	1.48	mg/L	Quarterly	24-hour composite

Ref: City of Jerome Municipal Code §13.18.130

- a. All concentrations for metallic substances are for the total metal concentration unless otherwise noted.
- b. Local limits sampling performed by industrial user.

DEQ, in coordination with the City, may authorize the Industrial User to reduce, suspend, or terminate the monitoring requirements of this control mechanism upon the submission of a written request for such reduction, suspension, or termination by the Industrial User, supported by sufficient data that demonstrates to DEQ's satisfaction that the discharge will continuously meet the discharge limits specified in this control mechanism.

The Industrial User must comply with the monitoring requirements of this control mechanism until the Industrial User receives written authorization to reduce, suspend, or terminate such monitoring from DEQ.

3 Reporting Requirements

3.1 Daily Effluent Reporting

The Industrial User must submit a report of pH values recorded over the previous business day to the City by 5:00 p.m. each day.

Daily reports must be submitted to the City via fax (208-324-8332) or hardcopy at:

City of Jerome Wastewater Treatment Facility
Attn: Pretreatment Coordinator
50 N. 100 W.
Jerome, ID 83338

Courtesy copies may be sent to the City via email.

3.2 Semiannual Compliance Report

The Industrial User must submit a semiannual compliance report to DEQ in November and May of each year. The report must be submitted by the first of the month and include the nature, concentration, and flow of the pollutants outlined in Section 2 of this control mechanism. These reports must be based on sampling and analysis performed in the period covered by the report and in accordance with Section 4.17.

Semiannual compliance reports must be submitted via the IPDES E-Permitting System.

If the Industrial User monitors any pollutant more frequently than required by this control mechanism, using test procedures prescribed in 40 CFR 136, or otherwise approved by EPA, the results of such monitoring must be included in any calculations of actual daily maximum or monthly average pollutant discharge, and results must be reported in the semiannual report submitted to DEQ.

3.3 Accidental Spill Prevention Plan

The Industrial User must develop an Accidental Spill Prevention Plan (ASPP) in accordance with Section 13.18.200 of the Jerome Municipal Code for hazardous substances as defined under EPCRA-CERCLA/CAA112(r). The plan must be submitted to the DEQ and the City within ninety (90) days after the effective date of this control mechanism for review. The Industrial User must implement the plan immediately upon written approval from DEQ. An Industrial User with a previously approved plan must submit an updated ASPP to the E-Permitting System within sixty (60) calendar days of making modification to the plan or upon written request of the City. The ASPP developed by the Industrial User shall meet the requirements of Section 13.18.200 of the Jerome Municipal Code and 40 CFR 403.

3.4 Noncompliance Notification

1. If, for any reason, (1) the Industrial User's discharge causes Interference or Pass Through at the WWTP or (2) an unauthorized direct or indirect discharge of pollutants occurs as a result of the Industrial User's actions or from the Industrial User's property or facility, the Industrial User must report by phone the occurrence and circumstances of such discharge to the WWTP within eight (8) hours after the user becomes aware of the occurrence of such discharge. Oral reports must be made by calling:

DEQ IPDES Noncompliance Hotline: 1-833-IPDES24 (1-833-473-3724)

City of Jerome Emergency Wastewater Operator: 208-308-6198

In addition to the oral report, the Industrial User must submit to DEQ a written report as provided in item 2 below no later than five (5) business days after becoming aware of the occurrence of such discharge. Reports must be submitted via the IPDES E-Permitting System.

2. The notification of noncompliance report must include the following information:

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- a. A description of the discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated period of time that the noncompliance is expected to continue; and
 - c. A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.
3. Within thirty (30) business days after becoming aware of the exceedance of an effluent limit for any parameter, the Industrial User must resample and test for that parameter and submit the results of the testing to the POTW with the next discharge monitoring report submittal. If Industrial User is already required to monitor the parameter more often than monthly, this requirement is satisfied, and resampling is not required.
 4. Failure to notify may result in a Significant Non-Compliance (SNC) designation or termination of the industrial control mechanism permit.

The Industrial User is required to report noncompliance of split samples in accordance with the provisions above when the Industrial User knows or has reason to know that the sample is noncompliant. Failure to notify the City of a noncompliant split sample may result in enforcement.

The Industrial User is exempt from formal noncompliance notification to DEQ on noncompliant split samples. Notification of noncompliance on split samples may be made informally to the DEQ Pretreatment Coordinator via email.

3.5 Notification of Potential Problems, including Slug Loading, or Changes Affecting Slug Discharge Potential

Industrial User must notify the City and DEQ of any Slug Discharge or changes resulting in a potential for Slug Discharge that may cause Pass Through or Interference. Such notification must be made to the City immediately after the Industrial User becomes aware of the event and to DEQ during the first business day after becoming aware of the event.

Oral reports must be made by calling:

DEQ IPDES Noncompliance Hotline: 1-833-IPDES24 (1-833-473-3724)

City of Jerome Emergency Wastewater Operator: 208-308-6198

The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. The Industrial User shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city on account thereof under State or Federal law.

Within five (5) days following an accidental discharge, the Industrial User shall submit a detailed written report to DEQ via the IPDES E-Permitting System and to the City via hardcopy or fax describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other

damage to person or property nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

Notifications to the City must be submitted via fax (208-324-8332) or hardcopy at:

City of Jerome Wastewater Treatment Facility
Attn: Pretreatment Coordinator
50 N. 100 W.
Jerome, ID 83338

Courtesy copies may be sent to the City via email.

3.6 Notification of Hazardous Waste Discharge

The Industrial User shall notify DEQ via the IPDES E-Permitting System and the City via hardcopy or fax of any discharge into the WWTP of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the WWTP, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User:

1. An identification of the hazardous constituents contained in the wastes
2. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month
3. An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

Dischargers are exempt from the requirements above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under section 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify DEQ and the City of such substance within ninety (90) calendar days of the effective date of such regulations.

In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

Notifications to the City must be submitted via fax (208-324-8332) or hardcopy at:

City of Jerome Wastewater Treatment Facility
Attn: Pretreatment Coordinator
50 N. 100 W.
Jerome, ID 83338

3.7 Notification of Upset

If the Industrial User experiences an Upset in operations that places the Industrial User in a temporary state of noncompliance with the provisions of either this control mechanism or with the City's code, the Industrial User must inform the City and DEQ within twenty-four (24) hours of becoming aware of the upset.

City of Jerome Emergency Wastewater Operator: 208-308-6198

DEQ IPDES Noncompliance Hotline: 1-833-IPDES24 (1-833-473-3724)

A written follow-up report of the upset must be filed by the Industrial User with DEQ via the IPDES E-Permitting System within five (5) business days. The report must specify the following:

1. Description of the Upset, the cause(s) thereof and the Upset's impact on the Industrial User's compliance status;
2. Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
3. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an Upset.

The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

A documented and verified operating Upset shall constitute an affirmative defense to any enforcement action brought against the Industrial User for violations attributable to the Upset event. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

3.8 Notification of Bypass

If the Industrial User knows in advance of the need for a Bypass, it must submit prior written notice at least ten (10) calendar days before the date of the Bypass, to DEQ via the IPDES E-Permitting System.

If the Industrial User experiences an unanticipated Bypass that places the Industrial User in a state of noncompliance with the provisions of either this control mechanism or with the City's code, the Industrial User must inform the City and DEQ within twenty-four (24) hours of becoming aware of the unanticipated Bypass.

City of Jerome Emergency Wastewater Operator: 208-308-6198

DEQ IPDES Noncompliance Hotline: 1-833-IPDES24 (1-833-473-3724)

A written follow-up report of the unanticipated Bypass must be filed by the Industrial User with DEQ via the IPDES E-Permitting System within five (5) business days. The report must specify the following:

1. A description of the bypass, and its cause, including its duration with exact dates and times;
2. Whether the bypass has been corrected and if the bypass has not been corrected, the anticipated time it is expected to continue; and
3. The steps being taken or to be taken to reduce, eliminate, and prevent a reoccurrence of the bypass.

3.9 Certification Statement

All applications, reports, or information submitted to DEQ must contain the following certification statement and be signed as required in items 1-4 below.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Reports must be signed by a Responsible Corporate Officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a Responsible Corporate Officer means either of the following:

1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
3. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship, respectively.
4. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a federal, state, or local governmental entity, or their agents.
5. By a duly authorized representative of the individual designated in 1, 2, or 3 of this section if:
 - a. The authorization is made in writing by the individual described in 1, 2 or 3;

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- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or a well field superintendent, or a position of equivalent responsibility, or having overall responsibility of environmental matters for the company; and
 - c. The written authorization is submitted to DEQ.

If an authorization under this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to DEQ before or together with any reports to be signed by a certifying official or duly authorized representative of that person.

3.10 Meter Calibration

All quality assurance and quality checks for the calibration of the flow and pH meter will be verified. Meter calibration must be submitted to the City and sent via fax (208-324-8332) or certified mail to:

City of Jerome Wastewater Treatment Plant
50 N. 100 W.
Jerome, ID 83338

A courtesy copy may also be sent to the DEQ and the City via email.

The City may require further testing as needed to validate the calibration.

4 Standard Conditions

4.1 General Prohibitions

The Industrial User is prohibited from introducing any pollutants into the POTW that:

1. Cause Interference.
2. Cause Pass Through.
3. Are incompatible with the WWTP.
4. Cause treatment plant sludge contamination that prevents its use and disposal in compliance with applicable statutes and regulations.
5. Endanger WWTP personnel who may be affected by wastewater and sludge in the course of their employment or the general public.
6. Inhibit the City's opportunity to recycle and reclaim wastewater and sludge from the WWTP.

4.2 Specific Prohibitions

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWTP. The Industrial User shall not introduce or cause to be introduced into the WWTP the following pollutants, substances, or wastewater:

1. Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause a fire or explosive hazard in the WWTP, including, but not limited to, any gasoline, benzene, naphtha, or fuel oil; and, in no case wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140 °F) (60 °C) using the test methods specified in 40 CFR §261.21, as amended; and, in no case pollutants which produce readings on an explosion meter, at the point of discharge into the WWTP or at any point in the WWTP, greater than five percent (5%) of the lower explosive limit of the meter for any two (2) successive readings nor greater than ten percent (10%) of the lower explosive limit for the meter for any single reading;
2. Wastewater having a pH less than 6.0 or more than 9.0, or having any other corrosive property capable of causing damage or hazards to the WWTP structures, equipment, processes, or personnel;
3. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes; and, in no case any other solid or viscous substances in amounts which will cause obstruction of the flow in the WWTP resulting in Interference; and, in no case solid substances of such character or quantity that special and unusual attention is required for their handling;
4. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the WWTP;
5. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104 °F) (40 °C) unless DEQ, upon the request of the City, approves alternate temperature limits;
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWTP in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by the City;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which

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- consequently imparts color to the treatment plant's effluent, thereby violating the City's IPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;
11. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the City administrator in compliance with applicable state or federal regulations;
 12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by DEQ, upon request by the City;
 13. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes, unless specifically authorized by DEQ, upon request by the City;
 14. Medical wastes;
 15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
 16. Detergents, surface active agents, or other substances which may cause excessive foaming in the WWTP;
 17. Any substance which causes the WWTP to violate its IPDES and/or other disposal system permits;
 18. Any wastewater, which in the opinion of the DEQ or the City can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by DEQ, upon request of the City (except that no special waiver shall be given from Categorical Pretreatment Standards);
 19. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waste, or other wastewater unless said person has first obtained testing and approval as may be generally required by the City and paid all fees assessed for the privilege of said discharge;
 20. Any hazardous wastes as defined in rules published by the state or in EPA rules 40 CFR part 261;
 21. Persistent pesticides and/or pesticides regulated by the federal insecticide fungicide rodenticide act (FIFRA).

4.3 Severability

If any position, paragraph, word, or section of this control mechanism is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and continue in full force and effect.

4.4 Duty to Comply

The Industrial User must comply with all conditions of this control mechanism. Failure to comply with the requirements of this control mechanism may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

The Industrial User must also comply with any new general discharge prohibitions adopted into Title 13 of the Jerome Municipal Code during the term of this control mechanism within sixty (60) days of written notice from the City of such new general discharge prohibitions, except and unless such changes require a significant capital expenditure.

In the event such new general discharge prohibitions adopted into Title 13 of the Jerome Municipal Code require a significant capital expenditure, the Industrial User will provide a written plan of compliance, including deadlines, to the City within sixty (60) days. Failure to comply with the requirements of this control mechanism may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

4.5 Duty to Mitigate

The Industrial User must take all reasonable steps to maintain or correct any adverse impact to the WWTP or the environment resulting from noncompliance with this control mechanism, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4.6 Control Mechanism Modification

DEQ may modify the control mechanism for good cause, including but not limited to, the following reasons:

- To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;
- To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge control mechanism issuance;
- A change in any process or discharge condition in either the Industrial User or the WWTP that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- Information indicating that the discharge poses a threat to the City's collection and treatment systems, personnel, or the receiving waters;
- Violation of any terms or conditions of the control mechanism;
- Misrepresentation or failure to disclose fully all relevant facts in the control mechanism application or in any required reporting;
- Revision of or a grant of variance from such Categorical Standards pursuant to 40 CFR §403.13;
- To correct typographical or other errors in the control mechanism;

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- To reflect transfer of the facility ownership and/or operation to a new owner or operator; or
 - Upon request of the Industrial User, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the Industrial User for a control mechanism modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any control mechanism condition.

4.7 Termination

This control mechanism may be terminated for the following reasons:

- Failure to notify DEQ and the City of significant changes to the nature or flow of wastewater before the changed discharge;
- Failure to provide prior notification to DEQ and the City of changed conditions, including those requiring either a temporary or permanent reduction or elimination of discharge;
- Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge control mechanism application;
- Falsifying self-monitoring reports or certification statements;
- Tampering with monitoring equipment;
- Refusing to allow timely access to the facility premises and records;
- Failure to meet effluent limitations;
- Failure to pay fines;
- Failure to pay sewer charges;
- Failure to meet compliance schedules;
- Failure to complete an Industrial User survey or the wastewater discharge control mechanism application;
- Failure to provide advance notice of the transfer of business ownership of a controlled facility;
- Violation of any Pretreatment Standard or Requirement including required Best Management Practices (BMPs), or any terms of the control mechanism or the Sewer Use Ordinance (SUO); or
- Request made by the Industrial User.

DEQ may also, without advance notice and in conjunction with the City, after notice to the Industrial User, order the suspension of the wastewater treatment service and revoke the control mechanism when it appears to DEQ or the City that an actual or threatened discharge:

1. Presents or threatens an imminent or substantial danger to the health or welfare of the persons or substantial danger to the environment, or
2. Threatens to interfere with the operation of the POTW or to violate any pretreatment limits imposed by the Jerome Municipal Code. After notifying the Industrial User by a suspension order, the City may immediately take all necessary steps to halt or prevent any further discharge to the POTW. The city shall have the authority to physically cap, block, or seal the Industrial User's sewer line (whether on public or

private property) in order to terminate service; the city shall have the right to enter upon the Industrial User's property to accomplish the capping, blocking, or sealing of the Industrial User's sewer line; the city may also commence judicial proceeding immediately thereafter to compel the Industrial User's specific compliance with such order and/or to recover civil penalties; DEQ shall reinstate the control mechanism under the advisement of the city upon clear and convincing proof by the Industrial User of the elimination of the non-complying discharge or conditions creating the threat as set forth above.

4.8 Property Rights

The issuance of this control mechanism does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state, or local laws or regulations.

4.9 Limitation on Control Mechanism Transfer

Control mechanisms may be reassigned or transferred to a new owner or operator with prior approval of DEQ. To obtain approval:

1. The Industrial User must give at least ninety (90) calendar days advance notice to DEQ, submitted via the IPDES E-Permitting System.
2. The notice to DEQ must include a written certification by the new owner or operator that does the following:
 - a. States that the new owner or operator has no immediate intent to change the facility's operations and processes;
 - b. Identifies the specific date on which the transfer is to occur; and
 - c. Acknowledges full responsibility for complying with the existing control mechanism.
3. DEQ approves the control mechanism transfer.

4.10 Duty to Reapply

An Industrial User who is required to have a control mechanism shall apply for reissuance by submitting a complete application a minimum of one hundred eighty (180) days prior to the expiration of the Industrial User's existing control mechanism in accordance with IDAPA 58.01.25.105.

4.11 Dilution

No industrial user shall ever increase the use of potable or process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable Pretreatment Standard or Requirement unless expressly authorized by an applicable Pretreatment Standard or Requirement.

4.12 Compliance with Applicable Pretreatment Standards and Requirements

Compliance with this control mechanism does not relieve the Industrial User from its obligatory compliance with any and all applicable local, state, and federal standards and requirements including any such standards or requirements that might become effective during the term of this control mechanism.

4.13 Proper Operation and Maintenance

The Industrial User must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Industrial User to achieve compliance with the conditions of this control mechanism. Proper operation and maintenance includes the following: effective performance, execution of required periodic maintenance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the control mechanism.

4.14 Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the Industrial User must, to the extent necessary to maintain compliance with its control mechanism, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. Such a requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It will not be a defense for an Industrial User in an enforcement action to claim that it would have been necessary to halt or reduce production of the facility's activity to maintain compliance with this control mechanism.

4.15 Bypass of Treatment Facilities

Bypass is prohibited unless:

1. The Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment or holding facilities should have been installed in the exercise of reasonable engineering judgment to prevent or retain wastewater from a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
3. Industrial user submits notices as required under Section 3.8.

The Industrial User may allow Bypass for essential maintenance to assure efficient operation but only if it does not cause effluent limits to be exceeded. These bypasses for essential maintenance

are not required to provide notice under Section 4.14 provided that it will not violate applicable Pretreatment Standards or Requirements.

4.16 Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D of RCRA.

4.17 Analytical Methods to Demonstrate Compliance

All monitoring done in compliance with this control mechanism must comply with the following:

1. Samples and measurements taken must be representative of the volume and nature of the monitored discharge.
2. Required monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this control mechanism and approved by EPA as an alternate test procedure under 40 CFR §136.5.
3. For each measurement or sample taken, the Industrial User must record the following information:
 - a. Date, time, and location of sampling
 - b. Name of person obtaining the sample or measurement
 - c. Date and time analyses were performed
 - d. Name of person who performed the analyses
 - e. Analytical techniques or methods used, including source and method number
 - f. Results of all analyses
4. All equipment and instrumentation used to determine compliance with the requirements of this control mechanism shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. At a minimum, flow measurement devices must be calibrated once every twelve (12) months.
5. Monitoring points must not be changed without notification to and approval by DEQ.

4.18 Inspection and Entry

The Industrial User must allow DEQ or the City, upon the presentation of proper identification, to:

1. Enter the Industrial User's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this control mechanism;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this control mechanism;

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3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this control mechanism;
 4. Sample or monitor, for the purposes of assuring control mechanism compliance, any substances or parameters at any location; and
 5. Inspect any production, manufacturing, fabricating, or storage area where materials or pollutants, regulated under this control mechanism, could originate, be stored, or be discharged to the sewer system.

4.19 Retention of Records

The Industrial User shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this control mechanism and any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or WWTP or where the Industrial User has been specifically notified of a longer retention period by the City or DEQ.

The Industrial User must retain and preserve all records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by DEQ or the WWTP until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

4.20 Falsifying Information

Knowingly making any false statement on any report or other document required by this control mechanism or knowingly rendering any monitoring device or method inaccurate is a crime and may result in the imposition of criminal sanctions, civil penalties, or both.

The Industrial User is subject to all applicable laws for falsification, including:

1. The provisions of 18 U.S.C. Section 1001 relation to fraud and false statements.
2. The provisions of Sections 309(c)(4) of the Clean Water Act, as amended, governing false statements representation or certification.
3. The provision of Section 309(c)(6) of the Clean Water Act regarding responsible corporate officers.
4. Idaho Code 39-101 et seq.
5. Idaho Code Title 18.

4.21 Planned Changes

The Industrial User must give notice to DEQ via the E-Permitting System and the City via hardcopy or fax ninety (90) calendar days before any facility expansion, production increase, or

process modifications that result in new or substantially increased discharges or a change in the nature of the discharge.

Notifications must be submitted to the City via fax (208-324-8332) or hardcopy at:

City of Jerome Wastewater Treatment Facility
Attn: Pretreatment Coordinator
50 N. 100 W.
Jerome, ID 83338

4.22 Anticipated Noncompliance

The Industrial User must give advance notice to the POTW via hardcopy or fax of any planned changes in the facility or activity that could result in noncompliance with control mechanism requirements.

Notification must be submitted to the City via fax (208-324-8332) or hardcopy at:

City of Jerome Wastewater Treatment Facility
Attn: Pretreatment Coordinator
50 N. 100 W.
Jerome, ID 83338

4.23 Automatic Resampling

If the results of the Industrial User's wastewater analysis indicate a violation has occurred, the Industrial User must notify DEQ and the WWTP in accordance with the requirements in Section 3.4 and repeat the sampling and pollutant analysis and submit, in writing via the IPDES E-Permitting System, the results of that repeat analysis within thirty (30) calendar days after becoming aware of the violation.

4.24 Duty to Provide Information

The Industrial User must furnish, within a reasonable time, any information DEQ or the City requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this control mechanism or to determine compliance with this control mechanism. The Industrial User must also, upon request, furnish copies of any records required to be kept by this control mechanism.

4.25 Annual Publication

DEQ must publish annually a list of all Industrial Users that were in significant noncompliance during the 12 previous months. The public notification must be published in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served the City. Accordingly, the Industrial User is apprised that noncompliance with this control mechanism

may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section.

4.26 Civil and Criminal Liability

Any person who violates any permit condition, filing or reporting requirement, duty to allow or carry out inspections, entry or monitoring requirements, or any other provision in this permit shall be subject to administrative, civil, or criminal enforcement.

Pursuant to Idaho Code §39-175E and §39-108, any person who violates any rule, permit or order related to the IPDES program shall be liable for a civil penalty not more than \$10,000 per violation or \$5,000 for each day of a continuing violation, whichever is greater.

Pursuant to Idaho Code §39-175E, §39-108 and §39-117, any person who willfully or negligently violates any IPDES standard or limit, permit condition or filing requirement shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$10,000 per violation or for each day of a continuing violation.

Pursuant to Idaho Code §39-175E, §39-108 and §39-117, any person who knowingly makes any false statement, representation or certification in any IPDES form, in any notice or report required by an IPDES permit, or who knowingly renders inaccurate any monitoring device or method required to be maintained shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$5,000 per violation or for each day of a continuing violation.

Pursuant to Idaho Code §18-113, a misdemeanor violation of the IPDES program requirements as set forth in §39-117, is also punishable by imprisonment in a county jail not exceeding 6 months.

In addition to civil penalties as described above, pursuant to Idaho Code §39-175E and §39-108, any person who has been determined to have violated any provision of the rules, permits or orders relating to the IPDES program shall be liable for any expense incurred by DEQ in enforcing the program requirements, or in enforcing or terminating any nuisance, source of environmental degradation, cause of sickness or health hazard.

The administrative, civil, and criminal penalties of the City's SUO remain in full effect and are independently enforceable by the City under Title 13 – Water, Sewers and Public Services.

4.27 Notification of Shutdown Periods

Notification of any shutdown period of more than two (2) days shall take place at least seventy-two (72) hours prior to the shutdown period and be made to the City orally. Notification of any shutdown period of more than seven (7) calendar days shall be in writing and submitted to the City via hardcopy or fax. The notification shall take place at least two (2) weeks prior to the first day of shutdown. Notification shall be given to the WWTP and shall include the following:

- The date shutdown will start;
- The last shift to work on the date of the shutdown;

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- The date process operations will resume; and
 - The first shift to work on the date of startup.

4.28 Confidential Information

Except for data determined to be confidential under IDAPA 58.01.25.002, all reports required by this control mechanism shall be available for public inspection. Any confidential information shall be clearly labeled as such.

4.29 Conditions Governing Appeal

The Industrial User shall have the right to appeal specific provisions of the permit under IDAPA 58.01.25.204.

5 Definitions

24-hour composite	A flow proportional mixture of not less than 12 discrete aliquots. Each aliquot shall be a grab sample of not less than 100 mL and shall be collected and preserved in accordance with 40 CFR 136 and amendments.
ASPP	Accidental spill prevention plan
Best Management Practice or BMP	Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage
Bypass	The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
Categorical Pretreatment Standards	National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N.
City	City of Jerome
Clean Water Act or Act	Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq.
DEQ	Idaho Department of Environmental Quality
Discharge	The introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act
EPA	Environmental Protection Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
gpd	Gallons per day
Grab	An individual sample collected over a period of time not exceeding 15 minutes.
DEQ	Idaho Department of Environmental Quality
DAF	Dissolved air flotation
Industrial Waste	Any flow discharged to the sewer wastewater treatment facilities containing one or more of the following: a total of more than thirty (30) pounds of suspended solids in any one day, a total of more than thirty (30) pounds of biochemical oxygen demand (BOD) in any one day, or a total flow of more than 0.025 million gallons per day in any one day or a flow that will average more than 0.025 million gallons per day for a monthly period.
Interference	<p>A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:</p> <p>(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and</p> <p>(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.</p>
IPDES	Idaho Pollutant Discharge Elimination System

Pass through	A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's IPDES permit (including an increase in the magnitude or duration of a violation).
Pretreatment Requirements	Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User
Pretreatment Standard	Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to §403.5.
Publicly Owned Treatment Works or POTW	A treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
RCRA	Resource Conservation and Recovery Act
Severe Property Damage	Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
Sewer Use Ordinance or SUO	An ordinance regulating the use of public and private sewers and drains, private sewage disposal, installation and connection of building sewers, discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof.
Significant Industrial User or SIU	(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
Significant Noncompliance or SNC	The most serious level of violation. This designation provides an indication of whether violations or noncompliance events at a given facility may pose a more severe level of concern for the environment or program integrity.
Slug or Slug Load	Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions
Upset	Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the

absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

WWTP

Wastewater treatment plant

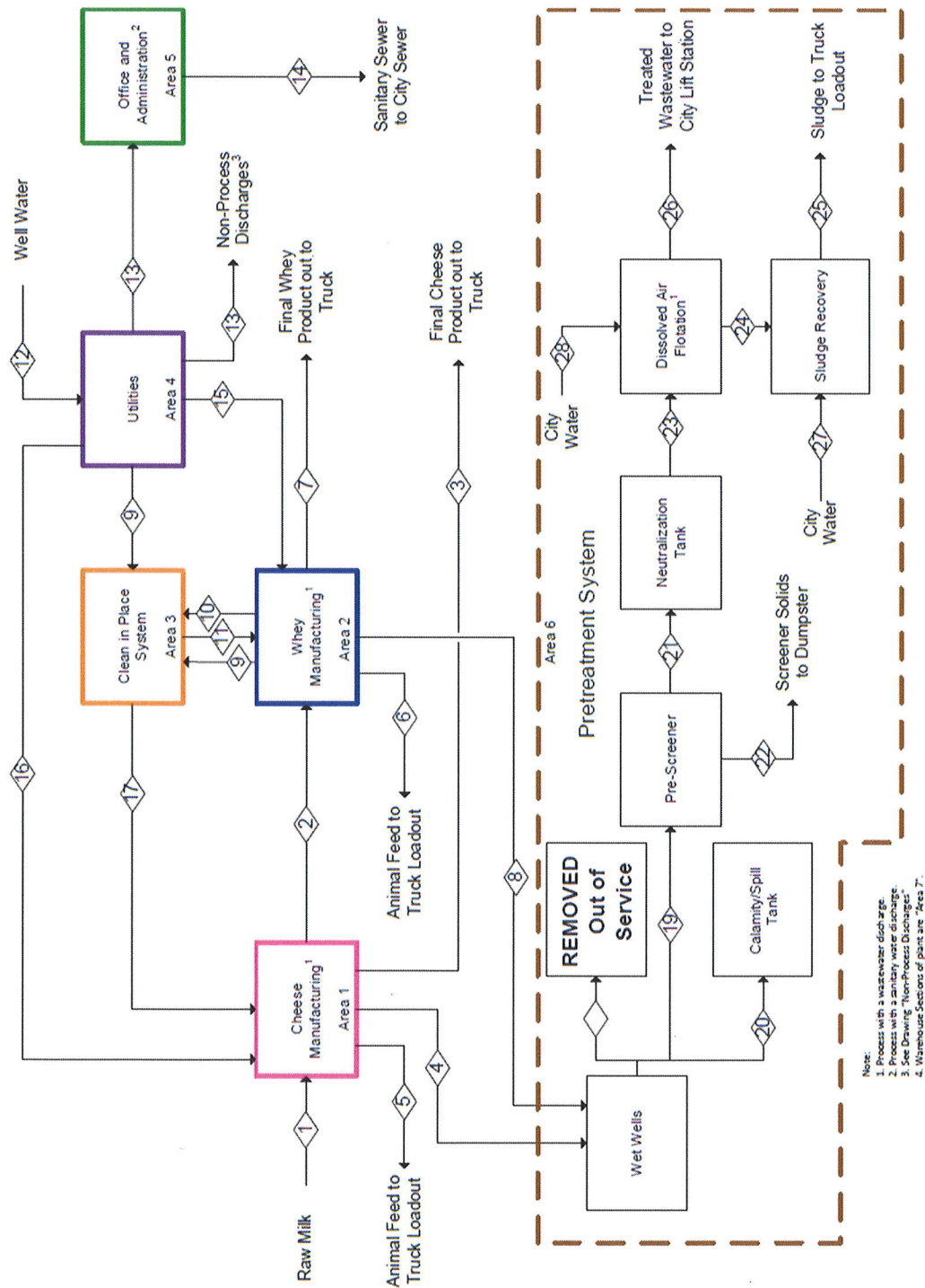


Figure 2. Industrial user wastewater flow diagram